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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re REFCO CAPITAL MARKETS, LTD.  
BROKERAGE CUSTOMER SECURITIES  
LITIGATION

06 Civ. 643 (GEL)

VR GLOBAL PARTNERS, L.P., et al,  
Plaintiffs,

07 Civ. 8686 (GEL)

- against -

PHILLIP R. BENNETT, et al,  
Defendants.

07 Civ. 8688 (GEL)

CAPITAL MANAGEMENT SELECT FUND  
LTD., et al,  
Plaintiffs,

- against -

PHILLIP R. BENNETT, et al,  
Defendants.

**PLAINTIFFS' NOTICE OF MOTION FOR RECONSIDERATION**

**Please Take Notice** that, pursuant to Federal Rule of Civil Procedure 59(e) and Local Rule 6.3, and upon the accompanying Memorandum of Law, dated September 12, 2008; the Declaration of Sander Bak, executed on September 12, 2008, and the exhibits thereto; and the Declarations of Marc S. Kirschner and David Galfus, both executed on September 12, 2008, Plaintiffs in the above-captioned actions will move this Court, the Honorable Gerard E. Lynch presiding, at the United States Courthouse, 500 Pearl Street, New York, New York 10007-1581 for an order: (1) clarifying or amending the Court's August 28, 2008 Opinion and Order (the "Opinion") to grant Plaintiffs leave to replead to redress the deficiencies noted by the Court; (2) amending the Opinion to grant Plaintiffs leave to assert common law claims in the event that the Opinion is affirmed on appeal; and (3) for such other and further relief as this Court may deem just and proper.

Dated: New York, NY  
September 12, 2008

MILBANK, TWEED, HADLEY & McCLOY LLP

/s/ Scott A. Edelman

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